

MAGISTRACY, IRELAND.

RETURN to an Order of the Honourable The House of Commons,
dated 15th March, 1904;—for

COPY of "Correspondence between the Lord Chancellor of Ireland and
Mr. Thomas M'Donagh Mahony, J.P., since the 3rd September, 1903."

(*Mr. George Wyndham.*)

Ordered, by The House of Commons, to be printed,
15th March, 1904.

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LORD CHANCELLOR'S SECRETARY'S OFFICE,
FOUR COURTS,

DUBLIN, 3rd September, 1903.

SIR,

I am directed by the Lord Chancellor to apprise you that his attention has been called to the fact that you, acting in your capacity of a Justice of the Peace, have adopted the practice of signing your name to warrants and other documents relating to legal proceedings in the local Petty Session Courts, in characters which are alleged to be those of the Irish language, and that although your attention has been authoritatively directed to the fact that you were acting illegally in so doing, you have persisted in the practice and have declined to conform to the law, which, as you were informed, requires, that in all legal proceedings, the English language and characters shall alone be used.

In these circumstances I am to state that if you have any observations to offer they should reach me for submission to His Lordship on or before this day week, and, in the meantime, I am to request that you will abstain from sitting on the Magisterial Bench.

I am, Sir,

Your obedient Servant,

J. NUGENT LENTAIGNE

Thomas M'Donagh Mahony, Esq., J.P.,
Castlequin House,
Caherciveen.

Teoí Cúislean Camn,

Catam-Saróin,

. 4. 9. '03.

SIR,

I have duly received yours of the 3rd, in answer to which I beg to state as follows:—

I have been told that I have acted illegally in signing (warrants) in Irish, but there is not that I have been able to find any statute or Act laying down definitely the rule that English must be the language used. I will therefore feel obliged if you can quote it for me if it is in existence. I know, however, that usage prescribes that such documents must bear the *ordinary signature* of the magistrate, and as the one referred to is my ordinary signature, that of all my business transactions and my bank account, I fail to see how I would be justified in using an English one which is not my real signature.

Trusting that you will kindly clear up this point, as there is a great principle involved.

I am,

With great respect (honour),

T. MacDonnarda Ua Maíghána.

(On the back of the letter, the letter was written also in Irish. See over.)

Teat Cairléan Cunn,

Cathair-Bairdín,

4. 9. '08.

A' Úinne Uafail,

'Do fuairear do leithir go crácaímhil do rghuobair an tsear lá de'n ní
reo. Táim ag iarraidh leigeann praeagra do baóirte uirte: m' na bpaíais
reo do leanaí.

'Deirtear liom go raib se nennóleataí agam m'ainm do rghuobair : n'Gaethilge
(an rghuobair ólógéachail). Áit n' seirdeir liomra aon ólóg na reat ópaíal
amaí do m'ingean go cínnce sup béalra an ceanga do caithraí a rghuobair
ar rghuobair do'n t-ropu ro. 'Do beinn lán-buithaí óíoc dá n'ceapra é
do aithre dom.

'Ta a p'or agam go h'apugte go h'ceatuirgeann n'or do h'uirteir a ainm do
rghuobair ra ólógé h'áit ar rghuobair don t-ropu ro. Águs ó se an ceann
go b'ail cráic aithre mo h'áit-réalra—fé rin mo h'áit-réalra agus mo
cunear h'ainn ; n' seirdeir liom a ceannáí amaí ceapra na pail se ólógéachail
agam, ó fé mo n'or é, m'ainm do rghuobair : n'Gaethilge ar a leithreíse ro.

'Ta pail agam, má fé do b'ail é, go n'ceapraí dá na p'ainn reo do ceannáí
pailéir, ó nuair ar go h'ailéirte p'ailéir—

Mise le h'áit se,

T. Mac'Donnáda Ua Maíghina.

LORD CHANCELLOR'S SECRETARY'S OFFICE,
FOUR COURTS, DUBLIN,

7th September, 1903.

SIR,—I have to acknowledge the receipt of your letter of the 4th instant, which will be submitted to the Lord Chancellor without delay.

I have also to notify you that you should not sit on the Magisterial Bench pending His Lordship's consideration and further order.

I am, Sir,

Your obedient Servant,

J. NUGENT LENTAIGNE.

Thomas M'Donagh Mahony, Esq., J.P.,
Castlequin House,
Caherciveen.

LORD CHANCELLOR'S SECRETARY'S OFFICE,
FOUR COURTS, DUBLIN,

14th September, 1903.

SIR,—I am directed by the Lord Chancellor to inform you that, having carefully considered the question of your signing warrants and other magisterial documents in Irish, he is unable to sanction the continuance of any such practice.

As the validity of these documents depends upon their signature by a Magistrate, it must obviously be of the highest importance that all parties concerned, including Police Officers, Governors of Prisons, and other persons who have to act upon them, should be able at once to identify the Magistrate by whom they are signed, while, if the signature is not in English, this may be to a large extent impossible, as many of these persons may be only acquainted with that language.

On the ground of convenience and expedition alone therefore the practice of signing these documents in Irish could not be sanctioned, but it must also be borne in mind that there is a Statute dealing with the matter, namely, the 11th Geo. II., cap. 6 (Ireland), which provides that all documents of this nature "shall be in the English tongue and language . . . and shall be written or printed in a common legible hand and character."

Until the Lord Chancellor, therefore, receives your assurance that you will sign magisterial documents in English, he has to require, as already mentioned, that you will abstain from sitting on the Magisterial Bench.

I am, Sir,

Your obedient Servant,

E. D. BEWLEY.

Thomas M'Donagh Mahony, Esq., J.P.,
Castlequin House,
Caherciveen.

Teach Cuiglean Cuinn,
Cathain Saróibín,

DEAR SIR,

Meabón Fogháin 26, '03.

I duly received your letter of the 14th inst., and have since given the matter my careful consideration.

In reply, I beg to state that when signing my name in Irish I didn't mean to have it unintelligible to police officers and prison officials employed in Ireland, and I may say in passing that until the particular instance referred to in our correspondence there seemed to have been no difficulty experienced by anyone concerned, as all knew that it was my signature.

Irish is the language spoken by my people, and surely in signing in the language spoken daily by those amongst whom I assist in administering justice, I am but conforming to the first principles of free constitutional government? If prison and police officials employed in Ireland do not know the language of the people they govern, it is time that they might reconsider their position in view of the desire that is expressed on *all sides* to govern Ireland in accordance with Irish ideas.

May I be permitted to enquire whether Magistrates in Canada are allowed to sign their names in French, and if so, whether the Statute 11 Geo. II., cap. 6, has the same binding force that is sought to be attached to it in Ireland?

Further—It seems to me that this Statute, coming into force as it did in the reign of Geo. II., when we had an Irish Parliament, and promulgated, as it apparently was, through the English Parliament alone, did not apply to Ireland at all. Anyhow, it would seem from the reading that it was merely intended to set forth and define the way in which these documents should be drafted, and does not at all allude to the mode of signature.

Having seen some signatures, which the most competent writing expert could not decipher, accepted by the authorities, even though the language they were written in was unknown, I am with pain forced to the conclusion, and I say so with all due respect, that my signature in Irish was refused not because it could not be deciphered, but because it is Irish, and hence such a refusal constitutes an insult to the people whose language it is.

I may add that you have not at all dealt with the second point in my last letter, viz., that the signature complained of is my ordinary one, the only one I use, hence how am I justified in using another when that other is not my signature?

Trusting that you will be good enough to deal with these points as above,

Mise le h-onóir mór duit,

T. MacDonnóir Ua Matgáin.

LORD CHANCELLOR'S SECRETARY'S OFFICE,

FOUR COURTS, DUBLIN.

3rd October, 1903.

SIR,—I have to acknowledge the receipt of your letter of the 26th ultimo, and to say that the Lord Chancellor sees nothing in your observations to induce him at all to alter his views as stated in my letter of the 14th ult.

When you were appointed a Magistrate in the year 1898 you signed the official Memorandum of particulars then returned by you in English as you did also the letter written by you to this office in the course of an official correspondence in the spring of this year, so that you cannot have the slightest difficulty in signing as required by His Lordship.

I am directed by the Lord Chancellor to again draw your attention to the concluding paragraph of my letter of the 14th ult.

I am, Sir,

Your obedient Servant,

E. D. BEWLEY.

T. M'Donagh Mahony, Esq., J.P.,

Castlequin House, Caherciveen, Co. Kerry.

CASTLEQUIN HOUSE,
CAHERCIVERN,

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SIR,

I must apologise to you for not answering your last letter ere this, but was prevented by a series of illnesses and pressure of work in consequence.

I was suspended from the Magistracy on account of the *alleged* illegality, which consisted in my using my ordinary signature, which is Irish, in signing summonses. Now, with great respect, allow me to point out that I have received no proof that my action was illegal, and until you can show me that such was the case, in justice to myself I cannot depart from the position I have taken up. The Act you quoted for me did not apply, and then my suspension has been continued, not on account of this alleged illegality, but on account of the inconvenience my action was supposed to cause. Let me say, with respect, that this is hardly fair, as if my action was not illegal my suspension should have been removed.

I can write in several languages, and though I can write my name in them, yet it would not be my signature. I therefore repeat for the fourth time my question:—If I signed my name in English would it be legal, though it is not my signature, and if so how?

Faithfully yours,

T. Mac'Donnarda Ua Ma'gashna.

LORD CHANCELLOR'S SECRETARY'S OFFICE,

FOUR COURTS, DUBLIN,

14th January, 1904.

SIR,

I have submitted your letter of the 23rd ult. to the Lord Chancellor, who sees nothing in it to alter the view he has already expressed to you in reference to the illegality of your action, and he desires me to again call your attention to the last paragraph of the letter of the 14th September last addressed to you from this Department.

I am, Sir,

Your obedient Servant,

J. NUGENT LENTAIGNE.

T. MacDonagh Mahony, Esq., J.P.,
Castlequin House.